

1 dissipating the trust assets. Doc #6. As noted above, dissipation
2 of trust assets constitutes irreparable injury. Moreover, counsel
3 described the steps he took to give notice, and counsel claims he
4 actually spoke to defendant Gonzalez before filing for a temporary
5 restraining order. For the purposes of this order, the court
6 determines that plaintiff has satisfied FRCP 65(b).

7 Plaintiff, therefore, is entitled to temporary injunctive
8 relief.

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10 For the foregoing reasons, the court hereby ORDERS that:

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12 1. Defendant MAMM, its officers, agents, servants, employees,
13 attorneys and all persons in active concert or participation with
14 them who receive actual notice of this order are enjoined and
15 restrained from dissipating, paying, transferring, assigning or
16 selling any and all assets covered by or subject to the trust
17 provision of PACA, 7 USC § 499e(c)(2), without agreement of the
18 parties, order of this court or until the expiration of this order.
19 Provided, however, that MAMM may sell or transfer perishable
20 agricultural commodities for fair compensation, without right of
21 setoff, on the condition that MAMM maintain the proceeds of such
22 sale in a segregated account subject to this order;

23 2. The \$88,753.30 in PACA trust assets belonging to
24 plaintiff and in the possession of defendants will serve as
25 plaintiff's security for this injunction as required by FRCP 65(c).

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27 Defendants are further ORDERED to show cause why they
28 should not be preliminarily enjoined from distributing PACA trust

1 funds as set out in this Temporary Restraining Order. Defendants
2 shall file a written response, if any, to this Order to Show Cause
3 and Plaintiff's motion for preliminary injunction on or before
4 March 31, 2008. The hearing on plaintiff's application for a
5 preliminary injunction is hereby set for April 3, 2008, at 4:00 pm.

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7 This temporary restraining order is entered this 25th day
8 of March, 2008, at 4:00 pm. Plaintiff shall forthwith serve MAMM,
9 its resident agent or counsel with a copy of this order.

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12 IT IS SO ORDERED.

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16 VAUGHN R WALKER

17 United States District Chief Judge
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